

JUL 31 2006

PTO/SB/26 (09-04) (AW 10/2004)

Approved for use through 7/31/2008. OMB 0551-0031

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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION	Docket Number (Optional) DTG-104US
<p>In re Application of: Steven R. Cosentino et al.</p> <p>Application No.: 10/718,334</p> <p>Filed: November 20, 2003</p> <p>For: PAPERBOARD WITH IMPROVED WET TEAR STRENGTH</p> <p>The owner*, DuPont Teijin Films U.S. Limited Partnership of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/820,549, filed on April 8, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Registration No.: 60,379</p> <p><u>Frank P. Tise</u> <u>July 31, 2006</u> Signature Date</p> <p><u>Frank P. Tise</u> Typed or printed name</p> <p><u>302-778-2500</u> Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.</p>	

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FAX FILING IN U.S. PATENT & TRADEMARK OFFICEDATE: July 31, 2006

TIME: _____

TO:	Lynda Salvatore	FAX NO.:	(571)273-1482
FROM:	Frank P. Tise	ADMIN. ASST.:	Gayle D. Bay
APPLN. NO.:	10/820,549 & 10/718,334	ATTY. DOCKET NO.:	DTG-104US and DTG-105US
TITLE OF APPLN.: TEAR RESISTANT BAG FOR CONSUMABLES & PAPERBOARD WITH IMPROVED WET TEAR STRENGTH			
FILING DATE:	ART UNIT: 1771		
FIRST INVENTOR: Steven R. Cosentino et al. CONF. NO.:			
TITLE OF DOCUMENT (and List of Attachments): 10/820,549 - Transmittal (1 p); Fee Transmittal (1 p); Terminal Disclaimer (1 p); Form 2038 (1 p). 10/718,334 - Transmittal (1 p); Fee Transmittal (1 p); Terminal Disclaimer (1 p); Form 2038 (1 p). 10/300,352 - Transmittal (1 p); Fee Transmittal (1 p); Terminal Disclaimer (1 p); Form 2038 (1 p). Patent No. 7,012,032 - Transmittal (1 p); Fee Transmittal (1 p); Terminal Disclaimer (1 p); Form 2038 (1 p).			

*Total Number of Pages: 17 (including this form)***COMMENTS**

Ms. Salvatore:
Per our telephone conversation of this morning.

Thank you.

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PTO/SB/21 (09-04) (AW 10/2004)

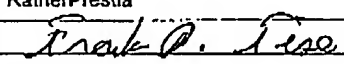
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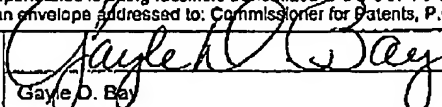
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/718,334
	Filing Date	November 20, 2003
	First Named Inventor	Steven R. Cosentino et al.
	Art Unit	1771
	Examiner Name	Lynda Salvatore
Total Number of Pages in This Submission	Attorney Docket No.	DTG-104US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form 2038 Return Postcard
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm Name	RatnerPrestia		
Signature			
Printed Name	Frank P. Tise		
Date	July 31, 2006	Registration No.	50,379

CERTIFICATE OF TRANSMISSION / MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or Printed Name	Gayle O. Bay	Date	July 31, 2006

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PTO/SB/17 (12-04v2) (AW 1/2005)

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Effective on 12/08/04. Fees pursuant to the Consolidated Appropriations Act 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2006		Complete if Known		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/718,334	
		Filing Date	November 20, 2003	
		First Named Inventor	Steven R. Cosentino et al.	
		Examiner Name	1771	
		Art Unit	Lynda Salvatore	
TOTAL AMOUNT OF PAYMENT (\$)		130.00	Attorney Docket No.	DTG-104US

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: 18-0350 Deposit Account Name: RatnerPrestia

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Small Entity	
	Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ - 20 or HP = _____ x _____ = _____
 Fee (\$): _____ Fee Paid (\$): _____
 HP = highest number of total claims paid for, if greater than 20
 Indep. Claims _____ - 3 or HP = _____ x _____ = _____
 Fee (\$): _____ Fee Paid (\$): _____
 HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets _____ Extra Sheets _____ Number of each additional 50 or fraction thereof _____ Fee (\$): _____ Fee Paid (\$): _____
 _____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

 Non-English Specification, \$130 fee (no small entity discount)
 Other (e.g., late filing surcharge): Filing Terminal Disclaimer

Fees Paid (\$)

130.00

SUBMITTED BY		Complete (if applicable)	
Signature	<u>Frank P. Tise</u>	Registration No. Attorney/Agent	50,379
Name (Print/Type)	Frank P. Tise	Telephone	302-778-2500
		Date	July 31, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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